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JFW  
\$U.S.P.S. EXPRESS MAIL "POST OFFICE TO ADDRESSEE" SERVICE  
DEPOSIT INFORMATIONExpress Mail Label No.: EV 330129313 USDate of Deposit: August 24, 2004BRINKS  
HOFER  
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& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Appln. of: James Brunner

Appln. No.: 09/779,903

Examiner: Labaze, Edwyn

Filed: February 8, 2001

Art Unit: 2876

For: MACHINE AND PROCESS FOR  
MANUFACTURING A LABEL WITH A SECURITY  
ELEMENT

Attorney Docket No: 10711/4

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Amendment Under 37 C.F.R. § 1.116 and Submission Of Formal Drawings with seven (7) sheets of formal drawings
- ☒ Return Receipt Postcard

## Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

|   |                                     |       |                                    |                  | Small Entity |           |    | Not a Small Entity |           |
|---|-------------------------------------|-------|------------------------------------|------------------|--------------|-----------|----|--------------------|-----------|
|   | Claims Remaining<br>After Amendment |       | Highest No.<br>Previously Paid For | Present<br>Extra | Rate         | Add'l Fee | or | Rate               | Add'l Fee |
| Total                                     | 65                                  | Minus | 65                                 | 0                | x \$9=       |           |    | x \$18=            |           |
| Indep.                                    | 7                                   | Minus | 6                                  | 1                | x 43=        | \$43      |    | x \$86=            |           |
| First Presentation of Multiple Dep. Claim |                                     |       |                                    |                  | +\$145=      |           |    | +\$290=            |           |
|   |                                     |       |                                    |                  | Total        | \$43      |    | Total              |           |

**Fee payment:**

- ☒ A check in the amount of \$43.00 to cover the above-identified fee(s) is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the extension filing fee is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

August 24, 2004  
August 24, 2004

John C. Freeman  
John C. Freeman (Reg. No. 34,483)

"Express Mail" mailing label number EV 330129313 US

Date of Deposit: August 24, 2004



PATENT  
CASE NO. 10711/4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
 )  
James Brunner )  
 ) Group Art Unit: 2876  
 )  
U.S. Patent Application )  
Serial No.: 09/779,903 )  
 ) Examiner: Labaze, Edwyn  
Filing Date: February 8, 2001 )  
 )  
For: MACHINE AND PROCESS FOR )  
MANUFACTURING A LABEL )  
WITH A SECURITY ELEMENT )

**AMENDMENT UNDER 37 C.F.R. § 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This Amendment is in response to the Office Action mailed May 24, 2004.

This Amendment is necessary and was not earlier presented, because it contests the finality of the May 24, 2004 Office Action, responds to new rejections based on Klein et al. and responds to the fact that claim 33 has not been rejected based on the prior art and thus is allowable. The present Amendment has amended claim 33 to be in independent form and so examination of claim 33

will not require further consideration or a new search. Furthermore, since the present

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Amendment demonstrates that the rejections based on Klein et al. are improper, the claims are in allowable form which reduces the issues for Appeal. Accordingly, Applicant requests that the present Amendment be considered and entered. Please amend claim 33 as follows: